

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

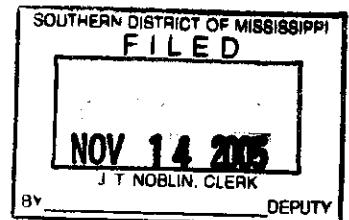
UNITED STATES OF AMERICA

VS.

CRIMINAL ACTION NO.: 3:99-CR-154BN

SHAWN BURTON

Civil Action 3:05cv 291



ORDER

This cause is before the Court on Petitioner Shawn Burton's Petition for Writ of Habeas Corpus, filed September 27, 2005. The Court notes that Petitioner has made two previous requests for habeas relief pursuant to § 2255, both of which were denied by this Court. See Memorandum Opinion and Order, dated September 13, 2002; Order, dated June 15, 2005. Petitioner now makes his third request for habeas relief.

Because Petitioner has previously filed a § 2255 motion attacking his conviction in this court, the Petition currently before the Court is deemed successive. Before filing a successive petition, Petitioner is required to receive certification from the United States Court of Appeals for the Fifth Circuit authorizing the district court to consider the petition. See 28 U.S.C. § 2255. Because the Fifth Circuit has not authorized Petitioner to file this claim in this court, this Petition for habeas relief will be dismissed. If Petitioner receives authorization from the Fifth Circuit, he may then re-file a new petition for habeas relief.

IT IS THEREFORE ORDERED that Petitioner Shawn Burton's 28

U.S.C. § 2255 Petition for Writ of Habeas Corpus [docket entry no. 101] is not well taken and is hereby denied.

SO ORDERED this the 14th day of November, 2005.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE